

REMARKS

Claims 1-3, 5-13 and 15-21 are canceled and Claims 23-35 are added. Claims 23-35 remain pending in the application. No new matter has been added.

The Rejections:

In the Office Action dated April 1, 2008, the Examiner rejected Claims 1-3 and 5-13 and 15-22 under 35 U.S.C. 103(a) as being unpatentable over Johnson 3122401 in view of Johnson 3146043. The Examiner rejected Claims 1-3, 5-13 and 15-22 under 35 U.S.C. 103(a) as being unpatentable over Johnson '401 in view of Nesser et al. 5067630. The Examiner rejected Claims 1-3, 5-13 and 15-22 under 35 U.S.C. 103(a) as being unpatentable over Johnson '401 in view of Castleberry (US2001/0000004A1).

The Response:

Applicant rewrote Claim 1 as Claim 23 and Claim 13 as Claim 34. Claims 24-33 and 35 correspond to Claims 2, 3, 5-12 and 15 respectively.

Independent Claims 23 and 34 clarify that each storage location is angularly offset in a horizontal direction from all other storage locations and partially overlaps at least two other storage locations in a vertical direction. Thus, when the indexing assembly rotates the rotator assembly about the vertical axis, each storage location is selectively moved into alignment with the door opening for removing a retained article through the door opening while blocking access through the door opening to all other ones of the storage openings.

Johnson '401 shows a universal vending apparatus that dispenses food. The Johnson vending machine provides multiple shelving and each shelf rotates separately from the other shelves. (Col. 1, Lines 50-63) Applicant's claims recite a rotator assembly with multiple trays wherein the indexing assembly rotates the rotator assembly and thereby rotates the trays together.

Johnson '401 shows individual product delivery openings 56 aligned with each shelf and each opening is closed by an associated one of a plurality of doors 156. Thus, each associated door 156 and opening 56 provide access to only one shelf, whereas Applicant's claims recite a single door member and door opening that provide access to all of the trays of the rotator assembly.

The Johnson '401 patent also shows shelf structures 50 with a plurality of product compartments 113. Although the shelves 50 can rotate relative to one another, in every rest position each of the product compartments 113 is horizontally aligned with one of the product compartments on every other shelf. In contrast, Applicant's claims recite that the each of the storage locations is angularly offset in a horizontal direction from all of the other storage locations and an opening of each storage location only partially overlaps at least two other openings in a vertical direction.

The Johnson '043 patent shows a vending machine similar to the one shown in the Johnson '401 patent, but with a lower article receiving element 20 and an upper article receiving element 22 connected together wherein lower compartments are offset from upper compartments. Johnson shows only two receiving elements whereas Applicant's claims recite at least three trays.

In Johnson '043, panels 36, 38 block off a portion of each compartment from access through a door 104. However, the peripheral openings of the Johnson compartments do not overlap in the vertical direction, whereas Applicant's claims recite that each storage location opening only partially overlaps at least two other openings in the vertical direction.

Nesser does not provide the missing elements. In Nesser, the openings 128 completely overlap two of the openings 126 and three of the openings 124 in the vertical direction. Applicant's claims recite that each storage location opening only partially overlaps at least two other openings in the vertical direction.

Castleberry shows a snack dispenser wherein the slots of the tiers are vertically aligned each slot is not horizontally offset from all other slots and the slot opening does not only partially overlap any other slot opening.

There is no combination of Johnson '401, Johnson '043, Nesser and Castleberry that renders obvious the subject matter of Applicant's Claims 23-34.

The Examiner stated that the prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The Examiner cited: U.S. Patent Publication No. 2001/0000004 of Castleberry; U.S. Patent No. 1820671 issued to McCormick et al.; U.S. Patent No. 6237806 issued to Sala; U.S. Patent No. 2875877 issued to Hoban; U.S. Patent No. 6502718 issued to Fitzgerald; U.S. Patent No. 2687825 issued to Harry; U.S. Patent No. 4598810 issued to Shore et al.; and U.S. Patent No. 4778042 issued to Warren et

al. Applicant reviewed these references and found them to be no more pertinent than the prior art relied upon by the Examiner in the rejections.

In view of the amendments to the claims and the above arguments, Applicant believes that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.